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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,339	07/02/2003	Keith Gilstrap	KG0005	5097
36489	7590 02/18/2005	EXA		MINER
	CKER LEMIRE & DA	ELKINS, GARY E		
	C/O PORTFOLIO IP P.O BOX 52057 MINNEAPOLIS, MN 55402		ART UNIT	PAPER NUMBER
			3727	
			DATE MAILED: 02/18/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Carry Elikins		Application No.	Applicant(s)				
Gary E. Elikins 3727  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  I this period for reply specified shows is less than this; (30) days, a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified shows is less than this; (30) days, a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified shows is less than this; (30) days, a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified shows is less than this; (30) days, a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified shows is less than this; (30) days, a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified and shows it is reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified and shows it is a reply within the statistory minimum of this; (30) days will be considered time;  I this period for reply specified to the statistory minimum of this; (30) days will be considered time;  I this period for reply specified to minimum.  The specific days are statistically seed and shows a statistic period and shows a statistic period of this communication.  A priod of this period this period this period to the statistic period of the priod this days are days.  A priod of the above claim(s) is safe period of the days are statistic.  Signature of the same and the statistic period the same and statistic period to the same and statist		10/613,339	GILSTRAP ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Entervience of times may be available under the provisions of 37 CFR 1.73(c). In no event, however, may a reply be timely filled  • If the period for reply se period above, the maximum stabilary period will apply and will expire SIX (5) MoNTHS from the mailing date of this communication.  • Failute to imply which the sort of sentined provided in region side is patient to the sentined provided in region side is patient to the sentined provided in region side to the communication.  • Failute to imply which the sort of sentined provided in region side is patient to make the application to some adhibitor (C) sty S. £ 1930.  • Failute to imply which the sort of sentined provided in region side is the resulting date of this communication, reservit timely fleet, may reduce any consequent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filled on		-					
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1)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-28 is/are pending in the application.  4a) Of the above claim(s)  is/are allowed.  5  Claim(s)  is/are allowed.  6  Claim(s)  is/are objected to.  8)  Claim(s) 1-28 are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the ertified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of References Cited (PTO-892)  5) Notice of Informal Patent Application (PTO-152)	Status						
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							
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## **DETAILED ACTION**

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## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 and 18-28, drawn to a device, classified in class 224, subclass 420.
- II. Claims 10-17, drawn to a method of using a device, classified in class 280, subclass 288.4.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different method of use. For example, the device of claims 1-9 and 18-28 could be used by attaching the device to the tubular frame within the bed of a pickup truck as opposed to the handlebar stem and handlebars of a bicycle as required within claims 10-17. Also, the device of claims 1-9 and 18-28 could be used by securing the wheel of a wheelbarrow as opposed to claims 10-17 which require the step of securing a bicycle wheel to the device.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Gary E. Elkins

Primary Examiner

Art Unit 3727

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17 February 2005